

Message

From: HertzWu, Sara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A0400DB95AE4349A64B5E8BABEA2077-HERTZWU, SARA]
Sent: 8/24/2022 7:52:09 PM
To: Barrientos, Brittany A. [brittany.barrientos@stinson.com]
CC: Ellis Johnson, Kristen M. [kristen.johnson@stinson.com]
Subject: RE: BCP Ingredients - Docket No. CAA-07-2022-0111; Inspection Case No. 22MO0607

Brittany: I will review this more carefully and respond as needed, but I wanted to let you know that I uploaded Attachment 6 of the inspection report to your shared FTP site.

Sara

From: Barrientos, Brittany A. <brittany.barrientos@stinson.com>
Sent: Wednesday, August 24, 2022 2:43 PM
To: HertzWu, Sara <HertzWu.Sara@epa.gov>
Cc: Ellis Johnson, Kristen M. <kristen.johnson@stinson.com>
Subject: RE: BCP Ingredients - Docket No. CAA-07-2022-0111; Inspection Case No. 22MO0607

Thanks Sara. To further follow up, BCP has reviewed the Inspection Report and the photo log. We have one question/concern related to both CBI and accuracy of information. The relevant language, which is the same language Kristen raised in our Friday afternoon call, is in the last paragraph of page 9 of the Inspection Report and describes the process used in building V26. The company would like to assert CBI over this statement and requests it be redacted moving forward. I believe this fits within BCP's June 17 CBI substantiation, which claimed CBI over information regarding internal processes, equipment, and business methods. That said, if you prefer a freestanding justification, we are happy to provide it this week.

We also had one question about the appendices - the Appendix list describes Appendix 6 as "EPA generated." The text (and your note below) sound like BCP's spreadsheet. If Appendix 6 is EPA generated, please upload as we do not have it.

Separately, BCP also requests employee names be redacted moving forward. Each of the documents sent to the Mayor of Verona have now been posted in the City's Facebook group and employees have significant privacy concerns.

As it relates to the 114, the company will be reaching out to Lorenzo Sena to discuss request 1. Since my e-mail yesterday afternoon, BCP determined they do not believe they can comply with request 1 within the 15 days, so in addition to requesting a meeting to discuss the scope of BCP's response, they are timely requesting an extension. Items 2-5 will be provided within the 15-day period.

With regard to the AOC, we will provide you a redline next week to get that process moving. If you have any thoughts about process or would like to discuss, please let us know. Thank you.

Brittany

Brittany A. Barrientos

Partner
Pronouns: She/Her

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From: HertzWu, Sara <HertzWu.Sara@epa.gov>

Sent: Wednesday, August 24, 2022 9:53 AM

To: Barrientos, Brittany A. <brittany.barrientos@stinson.com>

Cc: Ellis Johnson, Kristen M. <kristen.johnson@stinson.com>

Subject: RE: BCP Ingredients - Docket No. CAA-07-2022-0111; Inspection Case No. 22MO0607

External Email – Use Caution

Brittany: I have talked to our ECAD team. We generally do not send the attachments to the inspection report because most of the documents are provided by the facility. I have uploaded the photo log—Attachment 1—to your shared file site. I can upload the other documents as well, it will just take some time. Here is the list of attachments to the inspection report.

(Attachment # 2) a copy of Notice of Inspection is left with facility; the appendix is a copy.

(Attachment #3) we usually leave a copy of the CBI form as well but in this case the facility sent us a signed copy the appendix is a copy.

(Attachment #4) we don't give our inspection notes; they are included for the Case Review officer and not usually sent to the facility.

(Attachment #5) it's the facility's Tier II report

(Attachment #6) it's the facility's spreadsheet

(Attachment #7) it's the facility's report

(Attachment #8) it's the facility's RMP as upload to CDX

(Attachment #9) the notice of potential findings was left with the company; the appendix is a copy

(Attachment #10) it's the facility's Safety Data Sheet

(Attachment #11) it's the facility's response to the NOPF

(Attachment #12) it's the facility's RMP submission

If there is anything on this list you do not think the company has a copy of, other than Appendix 4, please let me know and I can upload that first.

We agree on the dates you have listed below for the compliance order and 114 response. I am out of the office most of next week, so I think it is fine to have the facility reach out directly to Dave and Lorenzo with questions.

Please let me know if you have questions.

Regards,

Sara Hertz Wu
Senior Counsel
EPA Region VII
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Lenexa, Kansas 66219
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Email: hertzwu.sara@epa.gov

From: Barrientos, Brittany A. <brittany.barrientos@stinson.com>

Sent: Tuesday, August 23, 2022 4:54 PM

To: HertzWu, Sara <HertzWu.Sara@epa.gov>

Cc: Ellis Johnson, Kristen M. <kristen.johnson@stinson.com>

Subject: BCP Ingredients - Docket No. CAA-07-2022-0111; Inspection Case No. 22MO0607

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Sara,

Thank you for your time last week. As you know, on behalf of BCP Ingredients, we received three documents. The documents and BCP's responses are bulleted below:

- Inspection Report: We received the Inspection Report (dated July 26) on August 19, but have still not received the attachments. Please send them to us ASAP so we can round out our review. BCP is finalizing its review of the Report and may have follow-up questions. We will let you know that later this week.
- Compliance Order: We received the draft Administrative Order for Compliance on Consent ("AOC") and accompanying transmittal on Friday August 19. The letter requests BCP contact you if it is interested in participating in pre-filing negotiations. With this e-mail, BCP confirms it is interested in pre-filing negotiations. We plan to send a redline with proposed changes to the AOC early next week. Please let us know if that is acceptable or whether you would prefer to do a page-turn. Also, the 30-day pre-filing negotiation deadline runs Sunday September 18. We understand that we are shooting for resolution by Monday Sept. 19. Please let us know if you disagree.
- Information Request: We received the Section 114 request on August 19. The 15-day deadline to respond falls on Saturday Sept. 3. Given the deadline is on a weekend, BCP understands the deadline for response is Tuesday Sept. 6. Please let us know if you disagree. At this time, BCP believes it can timely meet this deadline, but we will let Lorenzo know if that becomes an issue. BCP is interested in discussing the first request with EPA's technical team. Let me know if you prefer to facilitate or want BCP to reach out to Lorenzo and Dave directly.

If you would like to discuss, I'm happy to set up a call. Otherwise, we will send you any response to the Inspection Report this week and an AOC redline early next week. Thanks for your time and attention to this matter.

Brittany

Brittany A. Barrientos

Partner
Pronouns: She/Her

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